

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY**

**and**

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 16289 of 2000**

Between:

Sree Rama Co-operative Housing Society Ltd.,

Rep.by its Secretary L.Ananda Sukumar,

S/o. Apparao Achary, Old Dairy Farm,  
Visakahapatnam.

**..... PETITIONER**

AND

1 Smt. Surya Kumari, W/o. Ananda ,  
D.No.4-61/12/3, Lawsons Bay Colony,  
Visakahapatnam.

2 The Registrar,  
Andhra Pradesh State Consumer Disputes Redressal  
Commission, Khairatabad, Hyderabad.

3 The Presiding Officer, District Consumer Forum,  
Criminal Courts Building, 3rd floor,  
District Court Premises, Visakhapatnam.

4 Union of India, represented by its Secretary,  
Ministry of Foods and Consumer Affairs,  
New Delhi.

(Respondent No. 4 is impleaded as per the Court Order  
dated 1-11-2004 in W.P.M.P No. 20927 of 2000)

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a direction, writ or order, one in the nature of Mandamus:- a)declaring the action of the Respondent No.3 i.e. District Consumer Forum, Visakhapatnam in issuing the Non-bailable warrant dt.31.7.2000 in PP.NO.298/99 in C.D.No.598/98 on the file of the Dist Consumer Forum ,Visakhapatnam i.e., respondent No.3 herein, is arbitrary and illegal; b) directing the Respondent No.3 herein not to arrest the Petitioner pursuant to the order i.e. Non-bailable Warrant dt.31.7.2000 in P.P.NO.298/99 in CD.No.598/98 on the file of the Dist. Consumer Forum, Visakhapatnam pending disposal of the F.A.I.A.No.210/2000 in FASR No.325/2000 of the file of the Hon'ble A.P. State Consumer Disputes Redressal Commission, Hyderabad, c) granting all consequential benefits including costs; or any other orders appropriate in the case may be passed.

**For the Petitioner: MR.M.V.PRAVEEN KUMAR, Advocate.**

**For Respondent No.1: MR. D.GOVARDHANACHARY, Advocate.**

**For Respondent Nos. 2 and 3: Government Pleader for Civil Supplies.**

**The Court made the following Order:** (Per Sri B. Sudershan Reddy, J)

The petitioner claims to have preferred an appeal in F.A SR No. 325 of 2000 on the file of the State Consumer Disputes Redressal Commission (for short 'the Commission'), Hyderabad as against the order made in C.D No. 598 of 1998 dated 09.09.1999 on the file of the District Consumer Forum, Visakhapatnam.

Since the petitioner had already availed the remedy by filing the appeal, the same is required to be disposed of by the Commission on its own merits. This writ petition has been filed by the petitioner on the ground that at the relevant time, on account of the resignation of the President, the Commission was not functioning due to lack of quorum on account of which the appeal preferred by it could not be taken up for admission. There are no legal impediments as on the day. It is for the petitioner to prosecute the appeal preferred by it and obtain appropriate orders from the Commission. The petitioner, however, shall have the benefit of the interim order passed by this court for a period of eight weeks from today.

The Writ Petition shall accordingly stand dismissed with the observations as above.  
No order as to costs.

(B. Sudershan Reddy, J)

01..11..2004

(K.C. Bhanu, J)

ks

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Registrar,  
Andhra Pradesh State Consumer Disputes Redressal  
Commission, Khairatabad, Hyderabad.

2 The Presiding Officer, District Consumer Forum,  
Criminal Courts Building, 3rd floor,  
District Court Premises, Visakhapatnam.

3 Two CCs to the Government Pleader for Civil Supplies,  
High Court of Andhra Pradesh, Hyderabad (OUT).

4 Two CD copies.